

Open

Planning Committee

Agenda

6pm
Tuesday, 10th March 2015
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

	Chairman: Councillor F M Oborski
	Vice-Chairman: Councillor S J M Clee
Councillor J Aston	Councillor C Brewer
Councillor B T Glass	Councillor D R Godwin
Councillor J Greener	Councillor P B Harrison
Councillor M J Hart	Councillor R J Lloyd
Councillor B McFarland	Councillor C D Nicholls
Councillor D R Sheppard	Councillor M J Stooke
Councillor S J Williams	Councillor M J Wrench

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders Committee and Electoral Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732733 or email susan.saunders@wyreforestdc.gov.uk

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

WEBCASTING NOTICE

This meeting is being filmed for live or subsequent broadcast via the Council’s website site (www.wyreforestdc.gov.uk).

At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council’s website for 6 months and shall be retained in accordance with the Council’s published policy.

By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Solicitor to the Council, or Director of Economic Prosperity & Place before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Economic Prosperity & Place.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday, 10th March 2015

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 10 th February 2015.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Planning and Related Appeals To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.	46
7.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

8.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
----	--	--

Part 2

Not open to the Press and Public

9.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
----	---	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER**

10TH FEBRUARY 2015 (6.00 PM)

Present:

Councillors: F M Oborski (Chairman), S J M Clee (Vice-Chairman), J Aston, C Brewer, D R Godwin, J Greener, P B Harrison, M J Hart, R J Lloyd, B McFarland, C D Nicholls, M Rayner, D R Sheppard, M J Stooke, S J Williams and M J Wrench.

Observers:

There were no members present as observers.

PL.62 Apologies for Absence

Apologies for absence were received from Councillor B T Glass.

PL.63 Appointment of Substitutes

Councillor M Rayner was appointed as a substitute for Councillor B T Glass.

PL.64 Declarations of Interests by Members

Councillor M J Stooke declared an Other Disclosable Interest (ODI) in application number 14/0501/FULL, 197 Birmingham Road, Kidderminster as the Chairman of UKIP is one of the objectors.

Councillor M J Wrench declared an Other Disclosable Interest (ODI) in application number 14/0501/FULL, 197 Birmingham Road, Kidderminster as the Chairman of UKIP is one of the objectors.

Councillor M Rayner declared an Other Disclosable Interest (ODI) in application number 14/0501/FULL, 197 Birmingham Road, Kidderminster as she is a member of the Health Overview & Scrutiny Committee at Worcestershire County Council and was the lead member for the West Midlands Ambulance Service and knew several of the people in the room who were representing the applicant.

Councillor M J Hart stated in respect of application number 14/0501/FULL, 197 Birmingham Road, Kidderminster that he is the Cabinet Member for Health and Well Being at Worcestershire County Council but would remain in the meeting.

Councillor F M Oborski stated in respect of application number 14/0501/FULL, 197 Birmingham Road, Kidderminster that she is a member of the Health Overview & Scrutiny Committee at Worcestershire County Council but would remain in the meeting

PL.65 Minutes

Decision: The minutes of the meeting held on 9th December 2014 be confirmed as a correct record and signed by the Chairman.

PL.66 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 528 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 528 attached, subject to incorporation of any further conditions or reasons (or variations) thought to be necessary to give full effect to the Authority's wishes about any particular application.

PL.67 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.68 Section 106 Obligation Monitoring

The Committee considered a report from the Director of Economic Prosperity & Place that gave details of the most current Section 106 Obligations which required monitoring.

Decision: The details be noted.

PL.69 Exclusion of the Press and Public

Decision: That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "exempt information" as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

PL.70 New Enforcement Case

The Committee received a report from the Director of Economic Prosperity & Place on a new enforcement case.

Decision: In the event that a retrospective application is not received on or before 28th February 2015, delegated authority be granted to the Solicitor to the Council to serve or withhold an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.

PL.71 Live Enforcement Cases

The Committee received a report which listed live enforcement cases as at 28th January 2015.

Decision: The information be noted.

The meeting ended at 19.05 p.m.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

10th February 2015 Schedule 528 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Development Manager, Wyre Forest House, Fine Point Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Councillors M Rayner, M Stooke and M Wrench left the meeting at this point, (18.04pm).

Application Reference 14/0501/FULL
Site Address: 197 BIRMINGHAM ROAD, KIDDERMINSTER, DY10 2SD
APPLICATION DEFERRED PENDING A SITE VISIT.

Councillors M Rayner, M Stooke and M Wrench came back to the meeting at this point, (18.21pm).

Application Reference 14/0616/FULL
Site Address: 15 EASTWOOD DRIVE, KIDDERMINSTER, DY10 3AW
REFUSED:
By virtue of its siting and design, it is considered that the balcony is overly intrusive and detracts from the amenity enjoyed by the occupiers of the neighbouring properties, as a result of loss of privacy due to overlooking and additional noise and disturbance. As such the development is contrary to Policy SAL.UP8 of the Adopted Site Allocations and Policies Local Plan, the aims of the Design Quality Supplementary Planning Guidance (2004) and paragraph 123 of the NPPF.

Application Reference 14/0664/FULL
Site Address: FOXMEAD, ROCK, KIDDERMINSTER, DY14 9XW
REFUSED:
By virtue of its scale, both in terms of footprint and height, and design the building forms a dominant, incongruous and alien feature within the landscape to the detriment of the character of the area. Insufficient information has been provided to justify the need for a building of this size given the relatively small quantity of land associated with the site. The development would not be considered to accord with the requirements of Policies CP11 and CP12 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

Application Reference 14/0738/TREE

Site Address: 50 LOWE LANE, KIDDERMINSTER, DY11 5QN

APPROVED subject to the following conditions:

1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice').
2. C16 (TPO replacement trees).
3. C17 (TPO Schedule of Works).

Schedule of Works

Only the following works shall be undertaken:

Fell 2 x pines.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

10/03/2015

PART A Reports

Ref.	Address of Site	Recommendation	Page No.
14/0501/FULL	197 BIRMINGHAM ROAD KIDDERMINSTER	APPROVAL	13
15/0015/RESE	LAND AT SILVERWOODS STOURPORT ROAD KIDDERMINSTER	DELEGATED APPROVAL	21

PART B Reports

Ref.	Address of Site	Recommendation	Page No.
14/0632/FULL	RICKSTONE RECTORY LANE STOURPORT-ON-SEVERN	APPROVAL	38
14/0720/FULL	48 BRINTON CRESCENT KIDDERMINSTER	APPROVAL	41
14/0734/FULL	61 SPENCER STREET KIDDERMINSTER	APPROVAL	44

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
10TH MARCH 2015

PART A

Application Reference:	14/0501/FULL	Date Received:	18/08/2014
Ord Sheet:	384322 277136	Expiry Date:	13/10/2014
Case Officer:	James Houghton	Ward:	Greenhill

Proposal: Change of use to Ambulance Response Location (Sui Generis)

Site Address: 197 BIRMINGHAM ROAD, KIDDERMINSTER, DY10 2SD

Applicant: West Midlands Ambulance Service

Summary of Policy	CP11 (CS) SAL.CC1, SAL.UP7 (SAAPLP) Section 11 (NPPF) National Planning Practice Guidance – Noise and Light Pollution
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 10TH FEBRUARY 2015 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 The application refers to a site off the Birmingham Road which is occupied by a former dwelling and out buildings to the rear. A protected tree is located immediately adjacent to the entrance to the site.
- 1.2 The property is currently utilised by St Johns Ambulance as a training facility. The application site shares boundaries to the sides and rear with residential properties.

2.0 Planning History

- 2.1 14/0023/FULL – Change of use to ambulance response post (sui generis) : Refused 01/04/14.

14/0501/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objections.

3.2 Worcestershire Regulatory Services – The initial response received from Environmental Health is reproduced verbatim below:

I can understand your concern at first glance you might think that the location is unusual to place such a facility however if you look at nearly all ambulance stations historically many are in residential areas (unless they are joined on to a hospital) so its reasonably ordinary really. The best example being the current location on Stourport Road which is surrounded on all sides by residential properties. The same is also true of the Ambulance HQ in Whittington Road, Worcester, which is in the middle of residential. None of the stations give rise to noise problems or complaints. I think the council needs to also bear this in mind along with the fact that this is a satellite operation so strategic first response vehicles are intended to man this location and not a full blown depot.

With regard to noise sources generated from the site, we have had confirmation that vehicles entering and leaving the property will be an infrequent occurrence during the day and night, so in that respect this should be no different to that of any other residential area. The mobile siren policy of the Ambulance services (same as that of the police) is that sirens are curfewed between the hours of 11pm and 7am unless absolutely necessary in congested areas to make way. This was an initial concern when the first application came in however the Ambulance Service has sought to confirm that this is not the case due to the aforementioned. So I can see occasional sirens during busier times (mostly during rush hour only) would be the only noise detriment, as the Birmingham Road has little or no traffic at night.

So in summary if you were minded to refuse the application on noise grounds I think that we would not be able to successfully defend any arguments that may be tabled with regard to noise at appeal as there are no tangible reason to object with regard to noise impact.

(Officer Comment - Following a query relating to the impact of the flashing/strobe lights on the amenity enjoyed by the occupants of neighbouring dwellings Worcestershire Regulatory Services provided the following additional response:

The lights are usually switched on when they are on the highway. If lights on the premises was an issue we would just serve a light nuisance notice prohibiting their use on the premises. Whilst on the public highway there is no restriction. In addition to this the area is subject to significant ambient lighting (street lights) so the level of additional lighting would be minimal).

14/0501/FULL

3.3 Neighbour/Site Notice – Four residents of the immediate area have provided objections in response to the application. The objections are on the grounds that:

- the development has the potential to have a significant impact on the amenity enjoyed by the occupants of neighbouring dwellings and their health due to the increased noise produced by sirens and the running of engines;
- the use of flashing lights on site has the potential to cause disturbance to the occupants of neighbouring dwellings;
- the impact of both of these issues would be exacerbated by the working/operational hours of the site; and
- there is potential that the change of use might have a detrimental impact on highway safety, both for drivers and pedestrians, particularly given that the Birmingham Road is busy at this point and the site is close to a major junction.

One of those objecting provides significantly more detail and includes a commentary on the supporting information submitted by the applicant and raises the following issues:

- the data provided calls into question the need for the CAS (Community Ambulance Station) given the response times already achievable by WMAS (West Midlands Ambulance Service);
- the additional information contradicts the information supplied to support the previous application in terms of the number of call outs per day;
- on the basis of the information provided to the objector on the DY10 and DY11 post codes there is an average of 11 emergency call outs during the day, 8 during the evening and a further 8 during the night. This is an average of 170 in a week and extrapolated to 8500 per year;
- the objector states (on the basis of a US publication) that an ambulance siren emits a noise of 120dB which is on the threshold of the injury range and which can cause damage to hearing;
- whilst the protocol limiting the use of sirens is noted, sirens would not be used unless there is a hazard perceived in the highway and as such they could be utilised during the night;
- whilst sirens may not be used, flashing lights would be. Flashing lights have the capacity to disturb sleep and the amenity enjoyed by the occupants of neighbouring properties; and
- the access to the site is within 50m of the junction at the Land Oak where there is frequently heavy traffic and as such an ambulance or other response vehicle responding to an emergency call may have to pass through the tailback to the detriment of highway and pedestrian safety.

Members will also recall that additional comments and objections were submitted and circulated to all Members of the Planning Committee in advance of the 10th February 2015 meeting. It is not proposed to reproduce those comments within this report.

One of the objectors also comments that the applicant has been deliberately vague on the number of emergency calls, this has been addressed by the additional information supplied by WMAS.

One letter of support has been received welcoming the change of use as it would increase security on both the site and those who share a boundary of it.

14/0501/FULL

4.0 Officer Comments

- 4.1 Through this application West Midlands Ambulance Service intends to create a Community Ambulance Station (CAS) at 197 Birmingham Road, to serve the east side of Kidderminster and beyond. The area in which the application site is located is characterised by residential properties. The site shares both side and rear boundaries with dwellings and residential properties also occupy the land opposite the site fronting Birmingham Road. This CAS would form part of a network of 103 CASs within the West Midlands Area which would supplement 15 Ambulance hubs. Typical CAS sites consist of a toilet and kitchen facilities and parking spaces for one or two emergency vehicles. To this end the applicant intends to demolish existing prefabricated garages to provide parking spaces, part of the existing building would provide the other facilities.
- 4.2 The CAS would be one of two within the Kidderminster area. This site would usually have a staff member on duty twenty four hours a day and seven days a week (on shifts). It is anticipated that a single rapid response vehicle would normally be based on site and two ambulances would be based elsewhere within Kidderminster. The intention behind the provision of two CAS sites is to improve the response times of emergency vehicles in the DY10 area in order to achieve an eight minute target response time.
- 4.3 It is acknowledged that the change of use of this property to provide a CAS formed the subject of planning application 14/0023/FULL. The previous application was refused on the grounds that the proposed use would have a significant detrimental impact on the amenity enjoyed by the occupants of neighbouring dwellings, primarily through the use of sirens and flashing/strobe lights. The current application differs in that significantly more information has been provided initially through a supporting statement followed by an additional tranche of information. These documents provide greater insight into the specifics of what is proposed; how the use would be operated and how the provision of a CAS fits into the "Service Transformation" and "Make Ready" projects currently being undertaken by West Midlands Ambulance Service. Had such information been forthcoming with the earlier application the Officer recommendation would have been more likely to have reflected the current recommendation.

14/0501/FULL

- 4.4 One of the key factors in assessing the impact of the CAS on the immediate area is the frequency of call outs. Amongst the submitted information is a summary of the number and temporal distribution of call outs in the DY10 postcode area. These figures, which represented the most up to date available at the time the application was submitted, demonstrate an average of 13.2 call outs per day for the DY10 area with average figures showing a maximum of 0.81 call outs per hour between 1800 and 1900 and a minimum of 0.27 call outs per hour between 0500 and 0600. The supporting text states that the average job cycle time (time of call, vehicle dispatched, patient assessed and treated and vehicle departs) is one hour and six minutes, as such there are likely to be occasions where the vehicle would not return to the CAS and activity at the site would be negligible.
- 4.5 The key issues in determining this application are the impact of the change of use on the amenity enjoyed by the occupants of nearby dwellings and the implications for highway safety.
- 4.6 Paragraph 123 of the National Planning Policy Framework states:
“Planning policies and decisions should aim to:
- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
 - *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
 - *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

The supporting statement provided by the applicant provides details of the existing WMAS protocol to minimise noise impact whereby sirens are not used between 2300 and 0700 hours unless a hazard is perceived on the highway.

Members may wish to note that in this regard, any possible planning condition restricting the use of sirens on the site would a) be difficult to enforce, and b) could only relate to ‘on site’ operations. As soon as the vehicle exits onto the public highway, no controls could be imposed through planning law (Officers emphasis).

14/0501/FULL

- 4.7 Paragraph 125 states:
“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

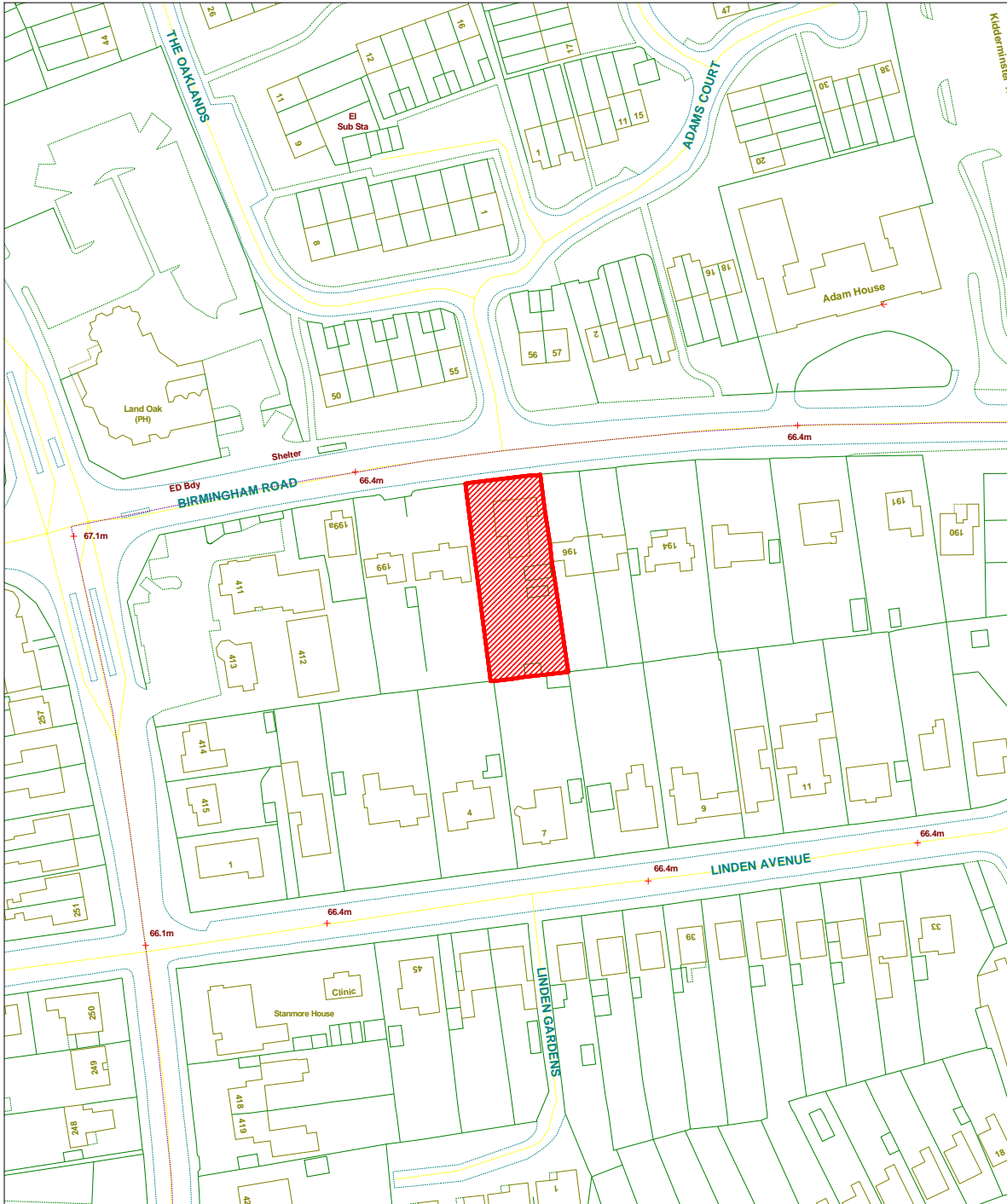
The online National Planning Practice Guidance provided by the Department for Communities and Local Government contains a section on light pollution which points out that the introduction of light sources can create disturbance to people within a given area. The introduction of flashing lights to an area has the potential to impair sleeping and to cause disturbance. This potential harm is exacerbated by the colour of the lights. The Planning Practice Guidance notes that “for humans, light intrusion by white/blue light is more disruptive to sleep”. In addition it may be necessary for the flashing lights to be accompanied by sirens which, on the basis of the information submitted by the applicant, would only be used in exceptional circumstances during the hours of darkness.

- 4.8 Worcestershire Regulatory Services as the relevant Environmental Health body for Wyre Forest has examined the information submitted and, on the basis of their experience with similar facilities, have provided no objections to the proposed change of use. With regard to the impact of lighting Worcestershire Regulatory Services observe that any impact would be mitigated by the existence of street lighting and that the emergency lights are normally used on the highway, where their use is entirely unrestricted.
- 4.9 Officers can appreciate the concerns raised by local residents in respect of potential disturbance and impact on residential amenity. However, as already identified, the impact of the development on highway safety has been assessed by the Highway Authority. No objections have been offered to the scheme and no conditions requested.
- 4.10 On the basis of the consultation responses supplied by the relevant consultees, there are no objections to the proposed change of use. In the absence of objections from the relevant consultees, Officers are unable to substantiate a reason for refusal, despite misgivings about the proposal. As such the development would be considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest District Core Strategy and Policies SAL.CC1 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

14/0501/FULL

5.0 Conclusions and Recommendations

- 5.1 As previously identified, Officers do have some misgivings about the proposal, and can appreciate the concerns being expressed by local residents. That said, the additional information provided by the Applicant in respect of the current application, and the explanation as to how this CAS site would operate does provide some comfort. Furthermore, it is clear from the submitted documents that a CAS site is required in this general area to improve response times in the DY10 area, based upon the WMAS current business model.
- 5.2 In light of the 'no objection' response received from the relevant consultees, the proposed change of use is considered supportable. On the basis of the information available the proposed use would have little or no significant impact on the amenity enjoyed by the occupants of nearby dwellings or on highway safety in this area. As such the development would be considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest District Core Strategy and Policies SAL.CC1 and SAL.UP7 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.3 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**197 Birmingham Road
Kidderminster, DY10 2SD**



Date:- 26 January 2015

Scale:- 1:1250

OS Sheet:- SO8477SW

Crown Copyright 100018317 2014

Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

Application Reference:	15/0015/RESE	Date Received:	19/01/2015
Ord Sheet:	382467 274864	Expiry Date:	20/04/2015
Case Officer:	Julia Mellor	Ward:	Oldington and Foley Park

Proposal: Construction of leisure centre with associated parking, service area and external floodlit sports pitches with boundary fencing; reserved matters approval for appearance, layout and landscaping following outline consent ref. 14/0095/OUTL

Site Address: LAND AT SILVERWOODS, STOURPORT ROAD,
KIDDERMINSTER,

Applicant: Places for People Leisure Management

Summary of Policy	DS05, CP01, CP02, CP03, CP07, CP08, CP09, CP11, CP12, CP14 (CS) PFSD1, DPL11 GPB1, CC1, CC2, CC3, CC6, CC7, UP5, UP7, UP9, SK1, SK2 (SAAPLP) Planning Policy Guidance Notes Re-Wyre Prospectus Sections 2, 4, 7, 8, 10, 11 (NPPF)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site has an area of 1.94 hectares and is located within the centre of the Former British Sugar Site which has been re-branded as 'Silverwoods' and covers an area of over 27 hectares extending from the Stourport Road to the west to the Staffordshire and Worcestershire Canal to the east.
- 1.2 Following the closure of the British Sugar site in 2002, the wider Silverwoods site has been the subject of a series of reserved matters planning applications following outline approval for Phase 1 in 2012 (Ref. 12/0146/EIA). The outline consent permitted a range of retail uses, leisure uses and up to 250 dwellings. The current application site straddles the boundary between Phase 1 and Phase 2.

15/0015/RESE

- 1.3 The application site lies to the south of the Severn Valley Railway line and to the north of the estate road serving the wider development which upon completion will form the Hoo Brook Link Road connecting the Stourport Road with the A442 Worcester Road. The site has a highway frontage of some 100 metres to the approved link road, and on the opposite side of the highway there lies a large area of residential development where approval of reserved matters has been granted to Bovis and Taylor Wimpey for a total of 186 residential dwellings.
- 1.4 The site incorporates an embankment which abuts a plot to the west which is located at a higher ground level, where approval has been granted for a scheme comprising of living accommodation for adults with learning difficulties and an extra care residential development (Ref. 14/0377/RESE). Construction of the scheme has recently commenced. The bank to this adjoining plot rises by approximately 6 metres at the western most corner.
- 1.5 The plot of land bordering the eastern boundary of the application site is still currently vacant with no planning consent granted in outline or in full.
- 1.6 The proposed leisure centre would replace the existing Wyre Forest Glades Leisure Centre in Kidderminster and Stourport Sports Centre which will close when the new centre opens. The proposed floor plans indicate the provision of the following facilities:

Cafe
25 x 6 lane pool
15 metre x 10 metre learning pool
Wet Health Suite
Sports Hall
Climbing Wall
Children's Adventure Play
Fitness Suite and Group Cycling
Dance Studio/Multi Purpose Rooms
Fitness and Studio
6 multi use flood lit pitches

The proposed leisure centre minimum opening hours would be from 07:00 to 23:00 throughout the week and 08:00 to 20:00 on Saturdays and 08:00 to 21:00 on Sundays.

- 1.7 The current application is for reserved matters approval following outline consent reference 14/0095/OUTL, approved in May 2014. The outline consent approved the principle of the proposed leisure centre use together with the scale of the facility in terms of its floorspace, and the point of access off the link road. The current application therefore seeks approval for the remaining reserved matters, namely:

- Layout

15/0015/RESE

- Appearance
- Landscaping

2.0 Planning History

- 2.1 12/0146/EIA (Outline) - Redevelopment of the British Sugar Factory (phase 1), including access and Phase 1 link road with all other matters reserved, comprising: demolition of any remaining existing structures on site; residential development up to a maximum of 250 dwellings (class C3); employment development of up to 4 hectares (class B1, B2 and B8); retail development (class A1); restaurant/café/drinking establishment/hot food take away (class A3, A4 and A5); hotel (class C1); care home (class C2); extra care facility (class C2); crèche (class D1); a railway halt; access into site, ancillary roads, footpaths and cycleways; and open space : Approved 07.12.12.
- 2.2 13/0134/RESE - Provision of 2no. Service housings to serve mains electricity and gas for the redevelopment of phase 1 of the Former British Sugar Site. Reserved matters approval for scale, appearance, landscaping and layout: Approved 25.07.13.
- 2.3 13/0579/WCCR – Phase 2 of the development of Hoobrook Link Road. A proposed 600m extension to the development access road through the former British Sugar Site, which will complete the link from the A451 Stourport Road to the A442 Worcester Road: No objection 17.01.14. 13/000060/REG 3 - County Council application: Approved at by Worcestershire County Council 18.02.14.
- 2.4 14/0095/OUTL - Outline Application for a New Leisure Centre and Associated Works with some Matters Reserved : Approved 09.05.14.

3.0 Consultations and Representations

- 3.1 Highway Authority – The policy requirement for parking spaces for this site is 376 spaces plus accessible spaces; however this is a maximum provision. An exercise undertaken by the Highway Authority using a car parking accumulator based on TRIC's data confirms that notwithstanding the maximum policy provision that the proposed level of car parking is acceptable, however the number of disabled spaces, cycle spaces and motorcycle spaces falls short of a policy minimum provision. There is adequate spaces to address this within the application proposal and whilst some parking spaces may need to be removed to accommodate the disabled persons spaces there is sufficient flexibility within the proposal to accommodate this. I have therefore recommended the following 3 conditions to address this shortfall.

15/0015/RESE

Agenda Item No. 5

- i. Disabled Parking Need - Notwithstanding the details submitted 19 car parking spaces shall be provided on the site for the use by the disabled in a location to be agreed in writing by the Local Planning Authority. Such spaces shall be satisfactorily identified and reserved solely for that purpose and shall be made available prior to the developments first use.
- ii. Cycle Parking - Prior to the first use of the development hereby approved secure parking for 38 cycles to comply with the Council's standards shall be provided within the curtilage of the development and these facilities shall thereafter be retained for the parking of cycles only.
- iii. Motorcycle Parking - Prior to the first use of the development hereby approved secure parking for 19 Motorcycle cycles to comply with the Council's standards shall be provided within the curtilage of the development and these facilities shall thereafter be retained for the parking of Motorcycles only.

3.2 Natural England – No objections.

3.3 Worcestershire Regulatory Services (Noise) – Comments awaited.

3.4 Crime Prevention Design Advisor – The police do not have any objection to the development going ahead. As far as security is concerned I have two areas of concern.

The car park is a source of potential anti-social behaviour problems when the centre is closed. Therefore a height restrictor needs to be placed at the entrance to prevent caravans etc being left on the car park. Speed humps are required to prevent cars racing around the car park. I suggest that the pedestrian crossings are raised, this would both slow vehicles down and clearly indicate the crossings. I suggest a further speed hump be placed near to the gates to the service yard. It would be a good advert for the centre and the local authority if the car park was built to safer parking standards,

I have looked at the crime for the existing leisure centre. Crime and disorder levels are low and the main sources of crime are theft from lockers and suspicious behaviour in the changing rooms. At some stage I would like to see what type of lockers will be installed and make sure they provide the requisite level of security. The latter issue is one the centre operators should be aware of but is not a planning issue.

3.5 Disability Action Wyre Forest – Comments awaited.

3.6 Worcestershire Wildlife Trust – Comments awaited.

15/0015/RESE

- 3.7 Countryside and Conservation Officer - The application comes with a good lighting plan that shows very low levels of illumination escaping from the target environments into the surrounding landscape, particularly the railway line to the north of the site. Hence I am happy from a wildlife perspective with the proposed lighting scheme.

Bat and birds - some mitigation is needed to be put in place for these species in the form of some bat and bird boxes and there is no evidence of them on the landscaping plan. It would be good to see their proposed location and design particularly in conjunction with the proposed lighting.

The ecologist has suggested that some further enhancement be made through the planting of native species to provide some additional habitat and forage. Whilst there is a lot of non native species there is a good variety of species and structure. One minor concern is the presence of cotoneaster. It is not a species of cotoneaster on the noxious weed list, but it would still be better if this species were replaced with a less invasive species.

Reptiles - reptiles are at risk from the development. The developer needs to follow the recommendations laid out in the previous survey. A receptor site needs to be identified. This is not in evidence on the landscaping plan. This needs to be prepared and then the reptiles need to be translocated as described in the ecological report during their active season (March/ April depending on weather).

The bank at the north of the site is important to reptiles and looks to be heavily impacted upon by the landscaping plan. The ecological report states ".....*if vegetation along the northern boundary is to be cleared or disturbed then a separate mitigation strategy and method statement should be formulated*". This needs to be addressed.

In the long term the proposed planting will also be detrimental to reptiles. The shrub planting is likely to cause the shading out of basking spots. However the species proposed in the low maintenance areas and general purpose neutral soil mix is fine.

One area of particular concern is the inclusion of Rosa Rugosa in the native planting mix. This is a non native plant with good potential to become highly invasive on acidic sandy soils like we have in this area of our district. Even more worryingly it is proposed to be planted along a railway line that connects to some of the finest acidic wildlife habitats in the UK. I feel strongly this needs to be removed from the planting list.

The establishment of habitat on this bank will also need to be accompanied by a habitat management plan, as recommended by the ecological report, to ensure that its maintenance is not harmful to reptiles whilst providing the necessary mitigation for this species.

15/0015/RESE

The report also recommends an artificial refuge and hibernacula be included in the landscaped area. This needs to be detailed in the proposed design and location.

- 3.8 Arboricultural Officer - Comments awaited.
- 3.9 Operational Services Manager - Comments awaited.
- 3.10 Cultural Services Manager – No objections, supportive of application as the project has been developed on the basis of strategic need and rationale. The facility will provide high quality leisure facilities for the residents of Wyre Forest.
- 3.11 Severn Valley Railway - Comments awaited.
- 3.12 Worcestershire County Council Property Services - Comments awaited.
- 3.13 North Worcestershire Economic Development & Regeneration – This application relates to the reserved matters following outline permission being granted at this site for a new leisure centre (14/0095/OUTL). As the principle of the development has already been agreed by virtue of the outline planning consent, my comments relate purely to the current application. However, it is worth reiterating some of the economic benefits of this proposal, as follows:
- The new leisure centre will employ c.35 Full Time Staff and 90-100 Part Time Staff;
 - The construction of the new leisure centre will create apprenticeships for local people; and
 - The relocation of the leisure centre to this site is intrinsically linked to other important regeneration initiatives proposed within the District.

In terms of specific points in relation to the proposed design, the following comments are made:

- The massing of the building is 'broken up' well, meaning that there is greater interest in the various elevations and it ensures that the building doesn't appear as one 'block';
- The active frontages to both the main Hoobrook Road and to the car park is also supported and ensures activity at key vantage points; and
- The prominent feature entrance provides a clear arrival point and provides some identity to the building, which is considered to be important given the location on this mixed use site.

Overall it is considered that the proposed design is well conceived and addresses key vantage points within the site.

Taking into account the above commentary, NWEDR is supportive of the application and the benefits it will bring to the local economy.

15/0015/RESE

3.14 Neighbour/Site Notice / Press Notice – No comments received.

4.0 Officer Comments

4.1 To reiterate, the principle of the leisure use of this site has been agreed via the outline consent together with the scale of the development in terms of its floorspace and the means of access from the Hoo Brook Link Road. Therefore the current application seeks approval for the remaining reserved matters which are:

- Layout
- Appearance
- Landscaping

LAYOUT

4.2 The existing site has been cleared and provides a blank canvas for the new development. Of importance to the proposed layout are the following considerations:

- a) Key views of the site from the railway line and from the eastern and western approaches along the Hoo Brook Link Road;
- b) The existing footpath to the west which abuts the application site leading through the wider Silverwoods site linking to the Stourport Road;
- c) The impact upon the amenity of the future occupiers of the approved extra care and Adults With Learning Difficulties (ALD) development (which abuts the site to the west) and the approved residential development opposite in terms of outlook, noise and lighting;
- d) The impact upon the biodiversity of the site in particular reptiles, as identified within the Phase 1 Habitat Survey submitted with the outline application, the Ecological Update and Reptile Survey Report submitted with the current application; and
- e) Proposed parking provision.

a) Key views of the site

4.3 The layout shows that the proposed building would be located centrally with the 6 multi use flood lit pitches wrapped around the north and east of the building. These would include one 7-a-side pitch to football association dimension and a further five 5-a-side pitches (20 metres x 30 metres). The provision of sports pitches is in accordance with Policy SAL.SK2 of the Adopted Site Allocations and Policies Local Plan which requires appropriate sports pitch provision within the wider Silverwoods site. A secure service area is located to the rear of the building within which a secure bin store would be provided.

15/0015/RESE

- 4.4 One hundred and eighty parking spaces including nine accessible spaces are proposed. These would be sited to the front and the west of the site, and would abut the base of the embankment.
- 4.5 It is considered that the siting of the building would be prominently sited and would appropriately address the key views of the site from the Hoo Brook Link road if travelling from the east or the west and, as discussed below under appearance, would present an active frontage to these vantage points.
- 4.6 The same could not be said with regard to the frontage facing the Severn Valley Railway line, however it is acknowledged that it would be difficult to provide interesting elevations or an active frontage to the exterior of the proposed sports hall by the very nature of its purpose. More positively this element of the centre is located at a distance of more than 65m from the railway line with sports pitches sited in the intervening space. Therefore it is considered that the sports hall would not dominate views from the Severn Valley Railway line whilst the proposed 5m high boundary fencing together with the proposed flood lights and activity on the sports pitches would serve to break up this blank frontage.
- b) Making use of the footpath link to the west
- 4.7 It is considered that the proposed layout makes good use of the existing footpath link to the west which leads to Stourport Road through the wider Silverwoods site by providing a direct link from the footpath through the car park to the entrance of the leisure centre.
- 4.8 Two further footpath links are shown leading from the pavement in front the site on either side of the vehicular access point to ease pedestrian access to the building. The layout is in accordance with Policy SAL.SK2 of the Adopted Site Allocations and Policies Local Plan which supports the provision of footpath links through the site.
- c) The impact upon the amenity of future residential occupiers
- 4.9 The central location of the building within the plot together with the difference in site levels would ensure that there would be no significant loss of outlook from the extra care and ALD development on the adjoining site to the west, or from the residential development opposite.
- 4.10 However, acknowledging the likelihood of external sports pitches being provided a condition was attached to the outline planning consent requesting the submission of a noise assessment, in order to be able to consider the siting of the sports pitches upon the amenity of the future occupiers of the adjoining residential sites. Notably pitch 1 lies closest to the extra care development and at its nearest point lies at a distance of approximately 13m to the boundary of the adjoining site.

15/0015/RESE

- 4.11 A noise assessment, as required by the aforementioned condition, has been submitted with the current reserved matters application. It explains that there would be four potential sources of noise:
- From the outdoor synthetic turf pitches;
 - From activities taking place inside the building;
 - From the mechanical plant and equipment; and
 - From the car park.
- 4.12 A noise survey at four separate locations close to the boundaries of the site was undertaken in November 2014. Perhaps the most contentious and unknown element is the potential noise from patrons using the outdoor sports pitches, particularly as there is no set noise level criterion for outdoor pitches as defined by Worcestershire Regulatory Services (WRS). Prior to the submission of the current application the applicants sought advice from WRS Officers. Subsequently it was concluded that the best method for ensuring that noise complaints do not arise is through managing the use of the pitches. The suggestion by WRS is that the operator carefully considers the hours that pitch 1 is in use and the age of the patrons. Due to its unpredictable nature, a planning condition to restrict the use of the pitches would not always be necessary and it would be difficult to enforce, hence giving the responsibility to the operator to control their use is considered more appropriate.
- 4.13 The proposed leisure centre minimum opening hours would be from 07:00 to 23:00 throughout the week and 08:00 to 20:00 on Saturdays and 08:00 to 21:00 on Sundays. Noise levels from the swimming pool and sports hall have been predicted, and taking into account the noise reduction resulting from the envelope of the building together with the separation distances to the nearest residential receptors the assessment concludes that there would be no undue harm.
- 4.14 Mechanical plant and equipment serving the proposed leisure centre would include air handling units, condensers, pumps and supply / extract fans. The assessment suggests that “...*in order it comply with WRS requirements [Noise Control Technical Guidance – Development Control]...the maximum noise level from all mechanical plant and equipment (cumulative) must be limited to 65dBA at 3m.*” This can be enforced via a planning condition and, according to the report, achieved through, “...*the selection of quieter equipment, installation of noise barriers, the design of acoustic silencers and louvres.*”
- 4.15 Finally during discussions with WRS Officers, prior to the submission of the application, it was concluded that there would be no undue harm resulting from noise from the proposed car park.
- 4.16 Comments from WRS will be reported on the Addenda and Corrections sheet.

15/0015/RESE

- 4.17 The full use of the proposed sports pitches would also require flood lights. Again at the outline planning consent stage a condition was attached which required the submission of a lighting assessment, and this has been submitted with the current reserved matters application.
- 4.18 The proposed lighting scheme would provide illumination for the main entrance, the building perimeter, the outdoor pitches, car park areas and pedestrian walkways.
- 4.19 The outdoor pitches, of which 6 are proposed in total, would be illuminated by a total of 46 x 8m high columns. The car park would accommodate 8 columns some with single and some with twin lights, again mounted on 8m high columns.
- 4.20 Whilst the proposed lighting may, in numerical terms, sound significant the submitted lamination drawing shows that there would be minimal light spill onto the surrounding residential plots demonstrating that the lighting would not adversely affect residential amenity.
- d) Impact upon the biodiversity
- 4.21 As reported in the Phase 1 Habitat Survey submitted at the outline stage there is the potential for individual reptiles to be harmed if vegetation along the northern boundary of the site is cleared or disturbed during the redevelopment of the site. Hence, as reptiles are a protected species the outline consent also required an update to this previous survey to address this issue. The updated surveys submitted with the current reserved matters application also acknowledge the potential harm to reptiles on the northern part of the site aligning the boundary to the Severn Valley Railway; and whilst neither the proposed siting of the building nor sports pitches would impede upon this northern part of the site the landscaping plan shows this area would be disturbed to make way for a replanting scheme.
- 4.22 The agents on behalf of the applicants have confirmed that a revised landscaping plan to ensure that there would be no harm to reptiles will be submitted prior to the committee meeting.
- 4.23 Separately the impact of the proposed lighting scheme upon biodiversity is considered to be acceptable.
- e) Proposed parking provision
- 4.24 The layout shows the provision of 180 parking spaces including 9 accessible spaces and a coach pick up and drop off point. The Highway Authority is satisfied with this overall provision but have requested a greater proportion of motor-cycle, cycling and accessible parking spaces.

15/0015/RESE

- 4.25 Again amended plans to address this matter are anticipated prior to the Committee meeting, however as advised by the Highway Authority it is a matter that could be resolved by a planning condition.

APPEARANCE

- 4.26 The proposed building is broken down into three elements as seen from the front elevation facing the road, with the form of the structure expressing the separate functions of the sports activities accommodated inside.
- 4.27 First there is the curved roof above the swimming pool which rises to its peak where it meets the flat roof of the central part of the building. This projecting pool hall curved roof provides the first impression as the centre is approached from the west along the Hoo Brook Road and the main pedestrian and cycle route through the Silverwoods site.
- 4.28 At the opposite end of the building is the eye catching feature of the red coloured drum which would accommodate the proposed climbing wall and would be visible from a 270 degree perspective around the corner of the building. The drum is the tallest part of the front facade reaching a height of approximately 10.2m and would provide a focal point for visitors approaching along the Hoo Brook Road from the east.
- 4.29 Held between these two striking elements would be the flat roof timber clad central section that would house the entrance, cafe, learning pool and fitness suite at first floor.
- 4.30 The front elevation would contain a significant amount of glazing which would encourage views into and out of the building promoting the centre as an active and attractive facility.
- 4.31 In summary, at ground floor the proposed building would provide the following facilities:

Cafe – The foyer to the leisure centre would incorporate a cafe with a seating area for approximately 50 people. Sited at the front of the building it would provide an active frontage and enhance the public realm to the front of the building. Glazing is also provided between the foyer/cafe area and the learner pool creating an informal viewing area. As the cafe is located before reaching the turnstile control it would also be available for use by the wider public.

25 metre x 6 lane pool – The main pool would be 25 metres x 13 metres to provide a six lane level deck pool designed in accordance with Sport England and ASA Guidelines (formally known as the Amateur Swimming Association). The pool hall has been designed for community use and is suitable for school competitions and local galas. The construction of the pool hall would also allow for the future installation of an electronic scoreboard, removable starting platforms with integral turning boards and removable turning boards would be provided for lane swimming, fitness and training competitions.

15/0015/RESE

The pool surrounds have been sized for community use and include bench seating for swimmers, competitors, judges and officials and for occasional school and club galas. The roof of the main pool would extend beyond the facade to create overhangs that would shade the glazing to the south and west elevations. Pool spectator provision of the main pool is provided at first floor for a minimum of 50 spectators.

15 metre x 10 metre learning pool – The internal glazing would provide views from the learning pool through to the reception and foyer. A moveable floor is proposed across the whole area of the learning pool to allow the depth of the pool to be adjusted from 1.8 metres deep to completely level with the pool surround to provide a facility for all ages, abilities and groups with disabilities.

Pool Changing – This has been designed as a village changing area with two dedicated group changing rooms. Two further buffer changing rooms linked to the dry change facilities are proposed for schools and other user groups. The number of changing, sanitary, shower spaces, lockers and the vanity area required has been calculated in accordance with Sport England guidance.

Wet Health Suite – A steam room and sauna are proposed to be provided adjacent to the 25 metre pool accessed from the pool side at the shallow end of the pool.

Sports Hall – The sports hall has been laid out in accordance with Sport England's six court badminton requirements. This would meet the needs of a wide range of able bodied and disability sports, including badminton, basketball, volley ball, 5-a-side football and Sports Wheelchair sports. At a minimum of 7.5 metres high the hall would meet the needs of club standard badminton as well as most other sports.

Dry Changing – The dry changing area has been designed as male and female changing rooms linked to the buffer changing and a separate accessible changing room. The space has been calculated with reference to Sport England guidance.

Climbing Wall – A 7 metre high climbing wall is proposed alongside the main entrance with views from the reception, cafe and from the car park into the climbing area. Natural light would be provided by the full height glazing to the red feature drum.

Children's Adventure Play – A double height play area is proposed within the red feature drum sited at the front of the building. Internally the children's adventure play opens up towards reception to provide a strong visual connection and viewing for friends and family.

15/0015/RESE

- 4.32 In summary, the first floor of the proposed building would provide the following facilities:

Fitness Suite and Group Cycling – This would be positioned internally to maximise views across the site whilst being highly visible to passers by from the outside and from the entrance to the site. The fitness suite and group cycling studio would provide 100 stations. This would include a range of cardiovascular and resistance equipment, an area for free weights, a core work out area, stretching and warm up areas with 20 stationary cycles within a dedicated group cycling studio connected to the circulation and fitness suites by glazed screens.

Dance Studio/Multi Purpose Rooms – Two large multi purpose studios (12 metres x 14 metres and 12 metres x 12 metres) are proposed to provide for a wide range of health and fitness classes including aerobics, dance, pilates and yoga, for play schemes, meetings and functions for private hire.

Fitness and Studio Changing and Toilets – Male, female and accessible changing areas and toilets are provided for first floor users with the size of the areas are based on the operator's experience of running similar facilities.

- 4.33 The submitted Design and Access Statement advises that the principles of secured by design have been adopted to minimise the opportunity for vandalism and anti-social behaviour. *"The use of robust materials, natural surveillance and the elimination of recessed doors and hidden corners will enhance the security and safety of the proposals"*.
- 4.34 The site and building have been designed to comply with the Building Regulations Approved Document Part M (Access to and the use of Buildings) with reference to British Standard 8300 (Design of Buildings and their approaches to meet the Needs of Disabled People) and Sport England (Accessible Sports Facilities) and the Equalities Act.
- 4.35 The agents have advised that one of the key drivers of the appearance of the building was the aspiration to create a focal point for the new development. *"With this in mind the design is set out to provide an attractive and striking presence to the new Hoo Brook Link Road that expresses the function and vitality of the building and adds a positive character to the area"*. It is considered that the design achieves its objectives and that the building would not only enhance the application site but the regeneration of the wider Silverwoods site.

LANDSCAPING

- 4.36 The proposed landscaping plans indicate the provision of a grassed area to the front of the site aligning the Hoo Brook Link Road with tree and shrub planting between the parking bays.

15/0015/RESE

4.37 The Countryside and Conservation Officer has noted that the plans indicate some unsuitable plant species and do not indicate the provision of ecological mitigation and enhancement in the form of bat and bird boxes.

4.38 It is considered that the proposed landscaping scheme, subject to amendments in respect of:

- Individual plant species;
- Ecological mitigation to avoid potential harm to reptiles; and
- Ecological enhancements in the form of bird and bat boxes (although this could be controlled via a condition)

are acceptable and would provide an attractive setting for the development as a whole.

5.0 Conclusions and Recommendations

5.1 This application provides an opportunity to deliver a modern leisure centre that would provide enhanced facilities for residents of and visitors to Wyre Forest.

5.2 By virtue of its siting, range of materials and design the proposed building would provide a striking focal point within the site and an identifiable destination within the Silverwoods site. The proposed feature drum and curved roof to the swimming pool will present an attractive and unique building which would add to the vibrancy of the Silverwoods regeneration area.

5.3 The layout of the site and appearance of the building take advantage of the important viewpoints into the site whilst appropriate consideration has been given to the amenity of neighbouring uses and ecology.

5.4 Finally the redevelopment of the site promotes the redevelopment of the former British Sugar site in accordance with the aims and objectives of the ReWyre Prospectus and the site specific policies of the Adopted Site Allocations and Policies Local Plan.

5.5 The recommendation is for **DELEGATED APPROVAL** subject to:

- i. The submission of amended landscaping plans indicating revisions to the planting schedule to replace inappropriate species and the remove the replanting of the northern bank which would cause harm to reptiles with no objections from the Council's Countryside and Conservation Officer within the re-consultation period; and

15/0015/RESE

- ii. The following conditions:
 1. Approved plans.
 2. This approval constitutes a consent of reserved matters under condition 3 of 14/0095/OUTL.
 3. Materials in accordance with details submitted.
 4. Planting in accordance with approved scheme.
 5. C8 (Landscaping maintenance).
 6. The approved tree planting shall be undertaken in accordance with the details shown on submitted plans.
 7. The parking spaces shown on the approved plan to be implemented and available for use prior to the first use of the building or outdoor pitches.
 8. All means of enclosure to be implemented in accordance with approved plans.
 9. The lighting scheme shall be implemented in accordance with submitted scheme and retained. No additional lights shall be implemented unless otherwise agreed in writing.
 10. Noise from mechanical plant and extraction equipment shall not, if measured individually or cumulatively exceed 65 dBA at 3m from the source.

The above conditions are in addition to the conditions imposed at the outline stage (Ref. 14/0095/OUTL), some of which are in the process of being discharged.

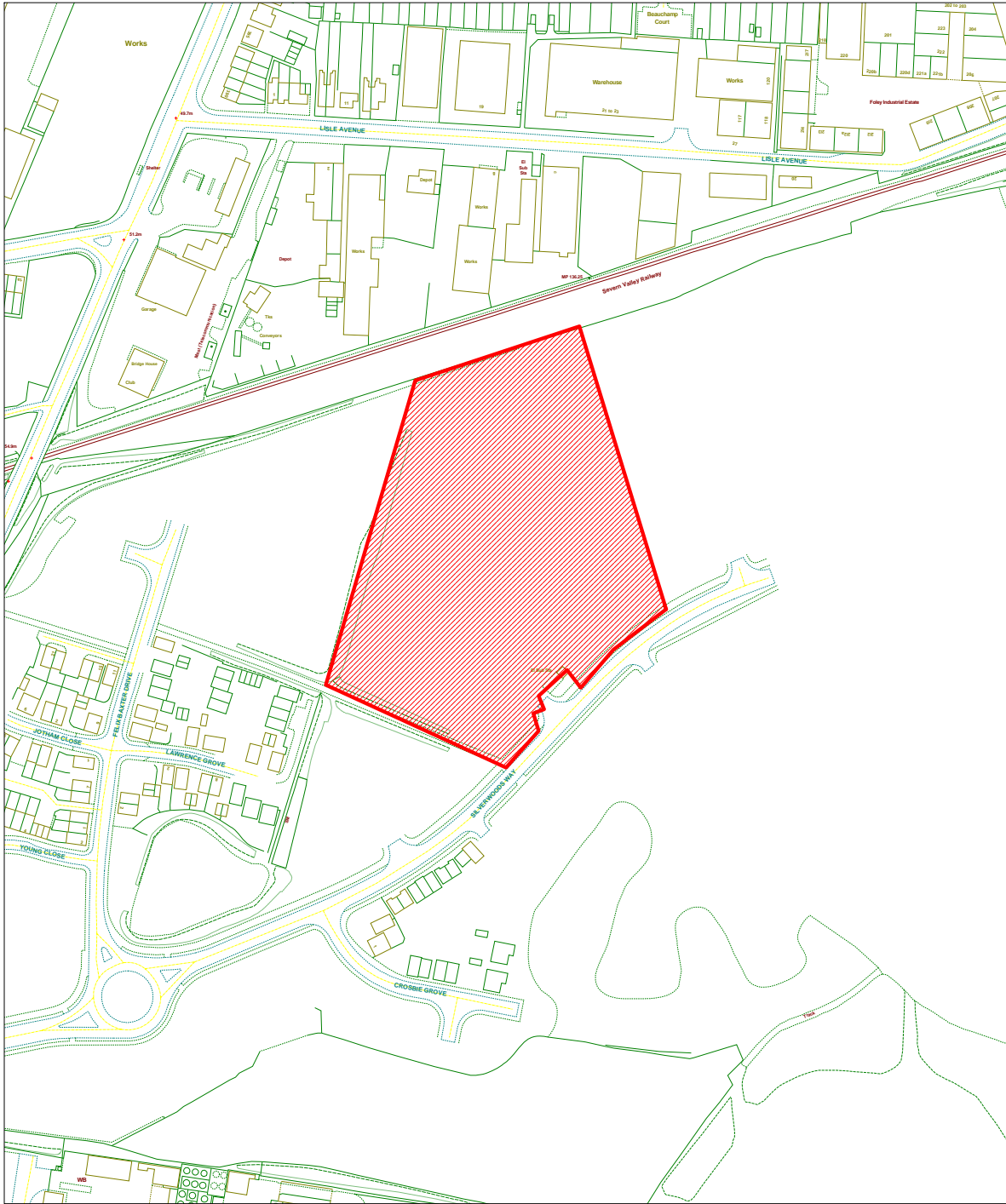
- (1) This permission shall enure for the benefit of the applicants only.
- (2) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (3) The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced:
 - Appearance
 - Layout
 - Landscaping
- (4) Application for approval of the reserved matters shall be made years from the date of this permission.
- (5) The development hereby approved shall be carried out strictly in accordance with the approved drawing.
- (6) The plans and particulars of the reserved matters shall show a building(s) with a gross internal floor area not exceeding 5,900 square metres.
- (7) The first submission of an application for the approval of reserved matters shall be accompanied by a noise assessment.

15/0015/RESE

- (8) The first submission of an application for the approval of reserved matters shall be accompanied by details of the proposed lighting scheme for the development.
- (9) The first submission of an application for the approval of reserved matters shall be accompanied by an updated Phase 1 Habitat survey of the site and details of any proposed mitigation measures.
- (10) Prior to the first use of the building or site a Travel Plan incorporating targets for sustainable travel to and from the site by staff and patrons shall be submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall include details of how staff and patron travel habits are to be recorded and reviewed on an annual basis.
- (11) Site investigation details of proposed remediation.
- (12) Following the completion of the measures identified in the remediation scheme approved under condition 11 above, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and agreed in writing by the Local Planning Authority prior to the first use of site.
- (13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.
- (14) Notwithstanding any details previously submitted, prior to the commencement of development details of a foul and surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority.
- (15) Notwithstanding any details previously submitted, no development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings, have been submitted to and approved in writing by the Local Planning Authority.
- (16) All clearance works within the site shall take place between September and January only (i.e. outside the bird breeding season).

Note

The operator of the sports pitches is advised to have regard to the management of the use of the pitches (in terms of hours of use and age of patrons) to ensure that there is no loss of amenity as a result of noise and disturbance to surrounding residential occupiers).



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Land at Silverwoods
Stourport Road, Kidderminster, DY11 7BW**

Date:- 23 February 2015 Scale:- 1:2500 OS Sheet:- SO8274NW Crown Copyright 100018317 2014
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
10TH MARCH 2015

PART B

Application Reference: 14/0632/FULL **Date Received:** 03/11/2014
Ord Sheet: 380247 270950 **Expiry Date:** 29/12/2014
Case Officer: James Houghton **Ward:** Areley Kings

Proposal: Installation of boundary fence and gates following removal of existing boundary hedge

Site Address: RICKSTONE, RECTORY LANE, STOURPORT-ON-SEVERN, DY13 0TB

Applicant: Mr K Boddy

Summary of Policy	CP11 (CS) SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7, SAL.UP9 (SAAPLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application property is a relatively modern bungalow set back from the road behind private gardens and a substantial conifer hedge. The property currently benefits from a short drive to the front of the integral garage which allows two vehicles to be parked side by side.

2.0 Planning History

2.1 None relevant.

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – No objections and recommend approval.

14/0632/FULL

- 3.2 Highway Authority – Revised comments awaited.

(Officer Comments - Originally a refusal was recommended due to the addition of an access being contrary to the Local Transport Plan, having an insufficient visibility splay and insufficient manoeuvring space within the site.

Informal comments have been received following the submission of a revised scheme which express concerns that the access provided to the side of the driveway is at an acute angle and therefore access onto the highway is less than ideal. Revised formal objects are anticipated).

- 3.3 Conservation Officer – I have no objections to the proposals contained in the revised plans received 18th February 2015. These reflect the pre-application discussions with the applicants. In my opinion the proposed fence and gate will serve to preserve the character of the adjacent Conservation Area, as this plot was originally agricultural land and there is evidence of historic fencing of this type forming the boundary to Rectory Lane.

The application is thus in compliance with Policy SAL.UP6.

- 3.4 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the addition of a 1.2m high black metal estate type fence, incorporating a pedestrian gate, across the front of the property replacing the existing hedge. Behind the fence would be planted a holly and hawthorn hedge. At the west end of the fence, adjacent to the existing driveway, it is intended to provide access to an extra parking space to the front of the dwelling. This access would utilise the existing dropped kerb at the boundary of the driveway.
- 4.2 The original application included an additional vehicle access and the provision of parking spaces to the front of the dwelling, this additional vehicle access has now been removed from the proposal following an objection from the Highway Authority. The objection was on the grounds that the addition of a second vehicle access is contrary to the guidance laid out in Local Transport Plan 3 and that the visibility splays for the proposed access would be insufficient resulting in detriment to highway safety.
- 4.3 The proposed fence is considered acceptable. By virtue of its relatively minor visual impact on the street scene the fence would offer no detriment to the character of the area or to the adjacent conservation area. The fence would have no impact on the amenity enjoyed by the occupants of neighbouring or nearby dwellings.

14/0632/FULL

- 4.4 The Highway Authority has informally objected to the revised scheme on the basis that access to the area of hardstanding to the front of the property is at an acute angle (formal objections to this effect are to follow). Whilst these comments are noted it is considered that the low frequency of vehicle movements along Rectory Lane and the fact the existing highway access would not be altered would ensure that the development would offer no significant detriment to highway safety.

5.0 Conclusions and Recommendations

- 5.1 The proposed boundary fence is considered acceptable. The boundary treatment would offer no detriment to the character of the area, the street scene or the character and visual amenity of the adjacent Conservation Area. Notwithstanding the objections raised by colleagues of the Highway Authority, it is officer opinion that the development would not offer any additional detriment to highway safety. The development would be considered to accord with the requirements of Policy CP11 of the Adopted Wyre Forest District Core Strategy and Policies SAL.CC1, SAL.CC2, SAL.UP6, SAL.UP7 and SAL.UP9 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters).
 2. A11 (Approved plans).
 3. B6 (External details – approved plan).

Application Reference:	14/0720/FULL	Date Received:	08/12/2014
Ord Sheet:	382159 275451	Expiry Date:	02/02/2015
Case Officer:	James Houghton	Ward:	Sutton Park

Proposal: Two storey side extension

Site Address: 48 BRINTON CRESCENT, KIDDERMINSTER, DY11 6NT

Applicant: Mr & Mrs Canty

Summary of Policy	CP11 (CS) SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a semi detached dwelling set back from the road behind a front drive and gardens within a relatively wide plot. The property benefits from canopy to the front and a conservatory to the rear.
- 1.2 The property is adjacent to a section of Brinton Crescent where the highway is physically split into two one way lanes by a grassed central reservation.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Highway Authority – Recommend refusal on the basis that:
The application proposes to locate the extension in a manner which limits the ability to locate the required 2 external car parking spaces within the curtilage. The Adopted Highways Design Guide requires cars to enter and exit the highway at 90 degrees to the kerblines. This application cannot provide this due to the loss of frontage as a direct result of this proposal. The result of this application will result in reduced visibility of approaching vehicles and vulnerable road users which will be detrimental to highway safety. This application therefore fails to comply with the adopted requirements within the Local Transport Plan and consequently will have a severe impact on the highway network.

14/0720/FULL

3.2 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the addition of a two storey side extension. The extension would provide a bedroom and en suite at first floor and a double garage at ground floor.

4.2 The proposed extension is considered appropriate in terms of both scale and design. The two storey element of the extension would be around 4/7ths of the width of the original building, which would not appear incongruous in this location. The front elevation of the two storey element of the proposed extension would be set back from that of the existing property and the ridge would be set down accordingly. The extension would be clearly subservient to the host dwelling and as such would offer no detriment to the appearance of the property, the character of the area or the street scene. The development proposed would offer no detriment to the amenity enjoyed by the occupant of the neighbouring properties in terms of outlook or privacy. The 45° Code guidelines would not be breached.

4.3 Following a request from the Highway Authority a parking layout plan was supplied. The submitted plan shows two parking spaces set parallel to the front boundary of the site utilising the existing access. A manoeuvring space of approximately 6.0m is provided between the two parking spaces. A similar arrangement, although with significantly less manoeuvring space, can be found at other properties in the immediate area whilst other properties have no facility for off street parking. Whilst the Highway Authority's comments are noted it is considered that the proposed parking arrangement would not be atypical for this area and, given the arrangement of the highway in this location, whilst being respectful of the comments made, it is not considered that there would be any detriment to highway safety.

5.0 Conclusions and Recommendations

5.1 The proposed extension is considered to be of an appropriate scale and design in relation to the host dwelling and would have no detrimental impact on the street scene. The impact of the extension on the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. It has been demonstrated that sufficient space exists within the site to provide sufficient off street parking utilising the existing access and as such it is considered that the development would have no significant impact on highway safety. For these reasons the proposal is considered to accord with Policy CP11 of the Adopted Core Strategy and Policies SAL.CC1, SAL.CC2, SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

14/0720/FULL

5.2 It is recommended that the application is **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B6 (External details – approved plan).

Application Reference:	14/0734/FULL	Date Received:	19/12/2014
Ord Sheet:	382109 275849	Expiry Date:	13/02/2015
Case Officer:	James Houghton	Ward:	Sutton Park

Proposal: Conservatory to the rear elevation

Site Address: 61 SPENCER STREET, KIDDERMINSTER, DY11 6NF

Applicant: Mr & Mrs I Oxley

Summary of Policy	CP11 (CS) SAL.UP7, SAL.UP8 (SAAPLP)
Reason for Referral to Committee	Planning application represents departure from the Development Plan
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a semi detached, hip roofed, dwelling set back from the highway behind a parking area.
- 1.2 The property, like its neighbour, appears to have been the subject of an extension during the early 1990's, in the form of a two storey rear extension.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the addition of a hip roofed conservatory to the rear.
- 4.2 The proposed extension is considered appropriate in terms of both scale and design. The extensions proposed would offer no detriment to the appearance of the property, the character of the area or the street scene.

14/0734/FULL

4.3 The proposed structure would breach the 45° code line by 1.8m when taken from the habitable room window to the rear of no. 62. The structure would also breach the 25° tilt line by approximately 0.4m (of which 0.35m would be visible over the 2.0m boundary fence) when taken from the cill of the rear facing habitable room window at no. 62.

4.4 The 45° code is a guideline utilised to ensure that new development has a minimal impact on the levels of light enjoyed by the occupants of dwellings neighbouring a given site. The Council's guidance leaflet states:

"The 45° code needs to be applied carefully and flexibly. We will take account of the particular circumstances at each site which might include orientation, differences in levels, existing structures, brick boundary walls (although not fences or vegetation which are less permanent than walls) and the distance between the affected window and the extension."

4.5 In this case the extension is positioned to the north of the affected property. The roof of the proposed conservatory slopes away from the affected window at a pitch of 20° which serves to minimise the impact of the conservatory proposed on the levels of light currently enjoyed by the occupants of no. 62. This being the case, the proposed extension would be considered to have no significant impact on the amenity enjoyed by the occupants of the neighbouring dwelling, specifically in terms of privacy, outlook and daylight.

5.0 Conclusions and Recommendations

5.1 The proposed extensions are considered to be of an appropriate scale and design in relation to the host dwelling and would have no detrimental impact on the street scene or the character of the area. The impact of the extensions on the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. For these reasons the proposal is considered to accord with Policy CP11 of the Adopted Core Strategy (2010) as well as Policies SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.

5.2 It is recommended that the application is **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. B3 (Finishing materials to match).

WYRE FOREST DISTRICT COUNCIL

Planning Committee

10 March 2015

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA 1445 14/0476/CERT/3000296	APP/R1845/X/14	MISS M PARKER	PUNCHS OAK CLEOBURY ROAD ROCK KIDDERMINSTER Proposed demolition of existing double garage and existing store, proposed erection of Oak framed single storey Oak framed home Office and games room, and two bay Oak car-port.	WR 18/11/2014	23/12/2014			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1437 12/0784/FULL	APP/R1845/A/14 /2218688	Mr I Grant	75 MILL ROAD STOURPORT-ON- SEVERN DY139BJ	WR 13/05/2014	24/06/2014			Dismissed 18/02/2015
			Demolition of existing houses (75-77 Mill Road) and erection of 7 dwellings with associated access, parking and alteration of Public Right of Way. (Renewal of Planning Permission 08/0490/FULL)					
WFA1440 14/0060/HHED	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER	WR 04/08/2014	08/09/2014			High Hedge Complaint

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1446 14/0246/FULL	APP/R1845/A/14 /2229001	Mr R Blunt	125 BRINDLEY STREET STOURPORT-ON-SEVERN DY138JW Proposed new 3 bedroom dwelling	WR 10/12/2014	14/01/2015			
WFA1447 14/3072/PNH	APP/R1845/D/15 /3002565	Mr T Morgan	40 AGGBOROUGH CRESCENT KIDDERMINSTER DY101LQ Single storey rear extension	WR 12/01/2015	16/02/2015			
WFA1448 14/0631/TREE	APP/TPO/R1845/ 4372	Mr M Bradshaw	10 KITTIWAKE DRIVE KIDDERMINSTER DY104RS Fell Oak Tree	HE 29/01/2015	05/03/2015		07/10/2015 Stourport on Severn and Bewdley rooms Wyre Forest House	

Appeal Decision

Site visit made on 26 January 2015

by R J Yuille Msc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2015

Appeal Ref: APP/R1845/A/14/2218688
75-77 Mill Road, Stourport-on-Severn, DY13 9BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission on an application for the extension to the time limit for implementing a planning permission.
 - The appeal is made by Mr Ian Grant against the decision of Wyre Forest District Council.
 - The application Ref: 12/0784/FULL, dated 10/12/12, was refused by notice dated 27/11/13.
 - The development proposed is demolition of existing houses (75-77 Mill Road) and erection of 7 dwellings with associated access, parking and alteration of Public Right of Way (Renewal of Planning Permission 08/0490/FULL).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr I Grant against Wyre Forest District Council. This application is the subject of a separate Decision.

Background

3. The applicant has submitted a signed Unilateral Undertaking but queries whether this is required. This will be dealt with subsequently in this decision.

Main Issues

4. The main issues in this appeal are, firstly, whether the proposed development would be consistent with the Council's policy of concentrating housing development on brownfield sites in Stourport-on-Severn; and secondly, whether adequate justification has been provided for the proposed demolition of the locally listed buildings on the site.

Reasons

Housing Policy

5. Since planning permission was originally granted for development on this site in 2009, planning policy has changed in a number of ways that are relevant to this appeal. Firstly, the Wyre Forest Core Strategy was adopted in 2010 and the Wyre Forest Site Allocations and Policies Local Plan was adopted in 2013. Policy DS01 of the former plan and Policy SAL.DPL1 of the latter establish, amongst other things, that new housing development will be concentrated on

- previously developed land (or brownfield land as it is referred to in Policy DS01) within areas allocated for residential development within the urban area of Stourport-on-Severn.
6. The second policy change of relevance to this appeal is that it has now been established in the National Planning Policy Framework, published in 2012, that land in built up areas such as private residential gardens do not fall within the definition of previously developed land. It is not disputed that the appeal site is in a built up area and that the appeal scheme proposes development on garden land within that site.
 7. To that extent the proposed development is in breach of Policy DS01 and Policy SAL.DPL1 which seek to concentrate development on previously developed land rather than garden land. These policies, particularly the latter, have only been adopted recently and no suggestion has been made that they are not up-to-date. No particular justification is put forward as to why these policies should be breached other than that the condition of the site, its unused state and its planning history mean that it is more comparable to a development site than to garden land. I do not agree. It was clear from the site inspection that the southern part of the site is an overgrown garden and, as such, is not previously developed land.
 8. The point is also made that a scheme of 7 houses will not of itself have a great impact on the implementation of such policies but such an argument could be made too often and, if successful, would cumulatively undermine the aims of the Policies DS01 and SAL.DPL1 which seek to promote the regeneration of towns such as Stourport-on-Severn. I consider, therefore, that the proposed development would conflict with the aims of policy DS01 and Policy SAL.DPL1.

Demolition of the Locally Listed Building

9. It is proposed to demolish 75-77 Mill Road. These buildings are included on the Local Heritage List for Stourport and are thus to be treated as Heritage Assets under the terms of Policy SAL.UP6 of the Wyre Forest District Site Allocations and Policies Local Plan. This Policy requires that schemes which relate to Heritage Assets should be accompanied by a Heritage Statement. When the Council determined the appeal application no such statement had been prepared but one was submitted with the appeal documentation.
10. That document establishes that parts of these buildings date from the 18th rather than 19th century as indicated in the Local Heritage List but that the buildings are in a very poor state of repair and it would be difficult to retain much of their historic fabric. Indeed in parts of the building almost no historic fabric remains, for example little remains of the windows and openings of N^o 75 and without evidence of their original configuration any reinstatement would involve a degree of supposition. That might be appropriate in some situations or indeed in some situations it might be appropriate to insert modern windows and doors as a way of revealing the significance of the historic fabric. However, in this instance, given the difficulty of retaining much of the historic fabric, such approaches would, in my judgement, achieve little in conservation terms.
11. It is also the case that the setting of these buildings has been seriously compromised by modern housing development which has paid little regard to their historic significance.

12. Clearly, these buildings, with their raised parapet gable ends and massive central chimney – both of which are common in 18th century buildings in the area – have some significance as a remnant of the former hamlet of Jenny Hole in which they once stood, but for the reasons set out above I consider this significance to be marginal.
13. In a situation such as this where it is proposed to demolish a Heritage Asset, albeit one of marginal significance, Policy SAL.UP6 requires that a balanced judgement be made as to whether the reasons for or benefits of the proposed development would outweigh the loss of these buildings. While there is no pressing need for additional housing in the area I consider there would be substantial public benefits in bringing this unused, unsightly, overgrown and semi-derelict site back into use. The Council accepts that the proposed new housing is of a striking modern design and I consider that this mitigates to some extent against the loss of this Heritage Asset. It is also the case that it would be possible to reveal something of the origins of this building by careful dismantling and recording – something that could be required by way of a planning condition. This would also provide an element of mitigation.
14. In this instance, therefore, I consider that the loss of the Heritage Asset is outweighed by the benefits of bringing the site back into use and thus consistent with the relevant aim of Policy SAL.UP6.

Unilateral Undertaking

15. The appellant has submitted a Unilateral Undertaking whereby an Education Contribution and a Public Open Space Contribution would be paid in the event of planning permission being granted for the appeal scheme. A similar Unilateral Undertaking was attached to the original planning permission on the site granted in 2009.
16. In this instance the appeal scheme is for less than 10 dwellings and has a combined gross floorspace of less than 1,000sqm. Recent changes to Planning Practice Guidance states that 'tariff' style planning obligations should not be sought from such developments. However, noting correspondence addressing these recent changes and given that my decision is to dismiss the appeal anyway, I consider that the provision of the Unilateral Undertaking is a 'neutral' factor in the overall balance I must reach (so could not be determinative in any event) and I have not placed weight on it.

Other Matters

17. A public footpath (SV-547) adjoins the appeal site. If planning permission were granted for the appeal scheme the appellant would need to seek an order to stop up that part of the footpath affected by the development. The appellant submitted a Development Appraisal Statement and a Valuation Report which between them seek to demonstrate that the retention of the locally listed buildings is not viable even if three new houses were provided as enabling development. However, as the Council points out, these documents are not conclusive as it would accept a greater number of enabling units on the site.

Conclusions

18. The appeal scheme is an application to extend the time limit for implementing a scheme for which the Council has previously granted planning permission.

However such an application must be determined in the light of current planning policy and this indicates that while the demolition of locally listed buildings on the site is justified, the appeal scheme as a whole conflicts with the aim of concentrating new housing development on previously developed land in Stourport-on-Severn. For this reason I conclude that the appeal should be dismissed.

RJ Yuille

Inspector

Costs Decision

Site visit made on 26 January 2015

by R J Yuille Msc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 February 2015

Costs application in relation to Appeal Ref: APP/R1845/A/14/2218688 75-77 Mill Road, Stourport-on-Severn, DY13 9BJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ian Grant for a partial award of costs against Wyre Forest District Council.
 - The appeal was against the refusal to grant planning permission on an extension to the time limit for implementing a planning permission.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. National Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appeal proceedings to which this costs claim relate deal with an application to extend the time limit for implementing a planning permission which was previously granted by the Council. Nonetheless that appeal must be determined in the light of current planning policy and the relevant parts of that policy (Policy SAL.UP6 of the Wyre Forest District Site Allocations and Policies Local Plan and paragraph 128 of the National Planning Policy Framework) require that in determining planning applications which would result in the loss of heritage assets a Heritage Statement should be sought. There is, therefore, nothing unreasonable in the Council seeking such a statement.
4. I do not agree that it was naïve of the Council to think that the buildings on the site could be viably retained. In making its decision the Council took into account the advice of its Conservation Architect who, based on his experience as an Architect and Historic Buildings Adviser including his experience in project managing historic renovations, considered that a suitable conservation scheme could be achieved. While the appellant has produced evidence from a Quantity Surveyor and Valuation Surveyor which comes to a different view, this is not conclusive as it assumes only three dwellings would be allowed as enabling development whereas the Council has indicated that more could be allowed. I do not, therefore, consider that the Council was unreasonable in taking the approach that it did.

5. I find, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense, as described in National Planning Practice Guidance, has not been demonstrated.

RJ Yuille

Inspector